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HOUSE BILL 392

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Irvin Harrison

AN ACT

RELATING TO NUTRITION; CREATING A NUTRITION COUNCIL; PROVIDING  
DUTIES; REQUIRING STUDIES; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as  
the "Nutrition Council Act".

Section 2. FINDINGS AND PURPOSE. --

A. The legislature finds that federal authorities  
have not intended to or expressed an intention to occupy and  
preempt the areas of nutrition addressed in the Nutrition  
Council Act and, therefore, the legislature may create a  
nutrition council to make recommendations to protect and  
ensure public health and safety for all New Mexicans.

B. The purpose of the Nutrition Council Act is to  
improve the quality of food grown in, produced in or imported

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1 into New Mexico or exported from New Mexico and to educate New  
2 Mexico residents in good nutritional choices.

3 Section 3. DEFINITIONS.--As used in the Nutrition  
4 Council Act:

- 5 A. "council" means the nutrition council; and
- 6 B. "director" means the director of the council.

7 Section 4. NUTRITION COUNCIL--CREATED--MEMBERSHIP.--

8 A. The "nutrition council" is created, composed of  
9 the following members:

10 (1) the assistant attorney general for  
11 consumer protection or the assistant attorney general's  
12 designee;

13 (2) the secretary of public education or the  
14 secretary's designee;

15 (3) the secretary of health or the  
16 secretary's designee; and

17 (4) the following members appointed by the  
18 governor, who serve at the pleasure of the governor:

19 (a) one pediatrician;

20 (b) one internist or family  
21 practitioner;

22 (c) one cardiologist;

23 (d) one toxicologist;

24 (e) one doctorate-level biochemist;

25 (f) one licensed nutritionist;

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(g) one farmer;  
(h) one rancher;  
(i) one faculty member of the  
university of New Mexico school of medicine;  
(j) one dentist; and  
(k) one public member who is appointed  
on the basis of active involvement in the area of nutrition.

B. Members of the council who are not paid by  
taxpayer funds may receive per diem and mileage expenses  
pursuant to the Per Diem and Mileage Act, but shall receive no  
other compensation, perquisite or allowance.

C. The council shall annually elect a chair and  
vice chair. The council shall meet at the call of the chair,  
a majority of the members or the director. The director shall  
serve as staff to the council.

D. The council is administratively attached to the  
department of health.

Section 5. COUNCIL--DUTIES.--The council shall:

A. study ways to improve the operations of state  
government relating to nutrition programs and to the provision  
of nutrition services to the residents of the state;

B. recommend courses of instruction and practical  
training for employees of departments and other persons  
involved in the administration of state nutrition programs  
with the objective of improving the operations and efficiency

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1 of the administration;

2 C. develop nutrition education programs for food  
3 stamp recipients;

4 D. in consultation with nutrition experts and the  
5 appropriate state agencies, recommend nutrition programs,  
6 public education programs and campaigns on health, nutrition  
7 and ideal weight maintenance for all state institutions and  
8 public schools, colleges and universities;

9 E. consult with the university of New Mexico  
10 school of medicine to ensure that its nutrition curricula  
11 train medical students in basic nutrition and how to prevent  
12 and treat nutritional diseases;

13 F. recommend the development and implementation of  
14 nutrition and food safety programs to ensure the nutritional  
15 health of New Mexico residents and the safety of their food;

16 G. advise the appropriate departments, including  
17 the office of the attorney general, on areas of concern such  
18 as:

19 (1) the effect of food additives on the  
20 health of all New Mexicans, particularly on pregnant women,  
21 neonates and preschool-age children;

22 (2) the incidence of diabetes on Indian  
23 pueblos and reservations;

24 (3) the effects of food-induced hyperactivity  
25 and attention deficit disorders in children;

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1 (4) obesity in all age groups; and  
2 (5) other areas deemed important by the  
3 council;

4 H. make recommendations on ways to improve  
5 nutrition in New Mexico;

6 I. assist the appropriate agencies in developing  
7 educational materials on nutrition and on toxic or potentially  
8 toxic additives to foods and processes that result in food  
9 toxicity;

10 J. through the public education department, advise  
11 public school districts on the development of nutrition  
12 courses that are grade specific and that use texts in the  
13 field of nutrition, preventive cardiology, preventive oncology  
14 and preventive toxicology for New Mexico secondary school  
15 students;

16 K. develop a nutrition questionnaire to be sent to  
17 students in New Mexico that will be used to build a statewide  
18 nutrition database;

19 L. review the quality of public school lunch  
20 programs and make a recommendation to the secretary of public  
21 education to improve the sources of food for the school lunch  
22 program; and

23 M. within available appropriations, hire an  
24 executive director and such other employees as are necessary  
25 to carry out the provisions of the Nutrition Council Act.

1           Section 6.   DIRECTOR OF COUNCIL--DUTIES.--

2           A.   The director shall, at the direction of the  
3 council:

4                   (1)   review and report on state agency efforts  
5 to improve nutrition and food safety; and

6                   (2)   serve as a liaison with other state  
7 agencies, including the department of health, the children,  
8 youth and families department and the public education  
9 department, in recommending the development and implementation  
10 of nutrition and food safety programs.

11           B.   The director shall recommend to the council a  
12 list of foods, food additives or food processes that the  
13 council should consider to determine if additional labeling  
14 should be required because of carcinogens, neurotoxins or  
15 other deleterious compounds.  If the council determines that  
16 additional labeling is required, it shall recommend the  
17 appropriate labeling and recommend that such labeling be  
18 reflected in the nutrition and food safety standards.

19           C.   The director shall recommend to the council the  
20 appointment and compensation of such employees as may be  
21 necessary to carry out the provisions of the Nutrition Council  
22 Act within the appropriations made by the legislature.

23           Section 7.   APPROPRIATION.--Two hundred fifty thousand  
24 dollars (\$250,000) is appropriated from the general fund to  
25 the nutrition council for expenditure in fiscal year 2008 for

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1 staff, equipment, furnishings and other expenses to implement  
2 the Nutrition Council Act. Any unexpended or unencumbered  
3 balance remaining at the end of fiscal year 2008 shall revert  
4 to the general fund.

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